

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 21348, 21654**

(Jointly Administered)

**URGENT CONSENSUAL MOTION FOR FURTHER EXTENSION  
OF RESPONSE DEADLINES AND RESCHEDULING OF HEARING DATE**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico Public Buildings Authority (“PBA” and, collectively with the Commonwealth and ERS, the “Debtors”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Debtors pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),<sup>2</sup>

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Last Four Digits of Federal Tax ID: 3801) (Last Four Digits of Federal Tax ID: 3801) (Bankruptcy Case No. 19-BK-5523-LTS). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> PROMESA is codified at 48 U.S.C. §§ 2101–2241.

respectfully submit this urgent consensual motion (the “Urgent Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), (i) rescheduling the hearing date set forth in the *Order Granting Urgent Motion for Extension of Response Deadlines and Rescheduling of Hearing Date* [ECF No. 21348] (the “First Extension Order”), and (ii) extending the deadlines established in the *Order Granting Urgent Consensual Motion for Further Extension of Response Deadlines and Rescheduling of Hearing Date* [ECF No. 21654] (the “Second Extension Order” and, together with the First Extension Order, the “Extension Orders”) solely with respect to the Applicable Motions (as defined below), and state as follows:

### **Background**

1. On January 18, 2022, the Court entered the *Order and Judgment Confirming Modified Eighth Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico, and the Puerto Rico Public Buildings Authority* [ECF No. 19813] (the “Confirmation Order”), confirming the *Modified Eighth Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, et al.*, [ECF No 19784] (as amended, supplemented, or modified, the “Plan”).<sup>3</sup>

2. On March 15, 2022, the Effective Date of the Plan occurred, and the Plan was substantially consummated [ECF No. 20349]. Pursuant to Section 1.51 and Article III of the Plan and decretal paragraph 44 of the Confirmation Order, the deadline for filing proofs of Administrative Expense Claims was June 13, 2022 (the “Administrative Claim Bar Date”). *Id.*

3. The following motions seeking, among other things, allowance and payment of Administrative Expense Claims were filed on or before the Administrative Claim Bar Date (collectively, the “Administrative Expense Motions”):

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<sup>3</sup> Unless otherwise defined herein, capitalized terms shall have the meanings ascribed thereto in the Plan.

ECF No.	Motion	Party <sup>4</sup>
21187	<i>Evertec's Motion for Allowance of an Administrative Expense Claim</i>	Evertec Group, LLC ( <u>"Evertec"</u> )
21191	<i>Ricoh Puerto Rico, Inc.'s Motion for Allowance and Payment of Administrative Expense Claim in the sum of \$4,864,017.20</i>	Ricoh Puerto Rico, Inc.
21192	<i>Plaintiff Blanca Iris Marrero's Motion for Allowance and Payment of Administrative Expense Claim</i>	Blanca Iris Marrero
21194	<i>Application for Allowance and Payment of Administrative Expense Claims Filed by Group Wage Creditors in the Litigation Captioned Madeline Acevedo Camacho v the Family Department, ARV and AIJ of the Commonwealth of Puerto Rico</i>	2,819 active or former full-time career employees at the Family Department, and its administrations who are parties to the litigation captioned <i>Madeline Acevedo Camacho et als v Family Department the ARV and AIJ</i> ; CASP Case No. 2016-05-1340
21195	<i>Application for Allowance of Administrative Priority Claims and Requesting an Order for Immediate Payment Filed by Judgment Claimants Case Carmen Socoro Cruz Hernandez et als v the Family Department, ARV and AIJ of the Commonwealth of Puerto Rico</i>	Certain parties to the litigation captioned <i>Carmen Socorro Cruz Hernandez et als v Family Department, ARV and AIJ</i> , Case No. K AC 1991-0665
21207	<i>Orlando Santiago Amador's Motion for Allowance and Payment of Administrative Expense Claim</i>	Orlando Santiago Amador ( <u>"Amador"</u> )
21208	<i>MCG's Motion for Allowance and Payment of Administrative Expense Claim</i>	MCG and the Able Child ( <u>"MCG"</u> )
21209	<i>COSEY's Motion for Allowance and Payment of Administrative Expense Claim</i>	Corporacion De Servicios Educativos De Yabucoa ( <u>"COSEY"</u> )
21224	<i>Application for Allowance of Payment Post Petition Administrative Claims Pursuant to Section 503(b)(1)(a)(i) of the Bankruptcy Code Filed by Group Wage Creditors in the Litigation Caption</i>	Certain parties to the litigation captioned <i>Francisco Beltran- Cintron et als. v Family Department, ARV</i>

<sup>4</sup> The parties below are collectively the "Movants".

ECF No.	Motion	Party <sup>4</sup>
	<i>Francisco bel Tran Cintron et als v. the Family Department, ARV and AIJ of the Commonwealth of Puerto Rico and Reservation of Righths (sic)</i>	and AIJ, Case No. 2021-05-0345
21227	<i>Application for Allowance of Administrative Expense Priority Payment Pursuant to Section 503(b)(1)(a)(i) of the Bankruptcy Code Filed by Group Wage Creditors in the Litigation Caption Abraham Gimenez (1,046 Plaintiff's) v the Department of Transportation and Public Works and Reservation of Rights</i>	1,046 active or former full-time career employees at the Department of Transportation and Public Works
21229	<i>Motion Requesting Allowance and Payment of Administrative Expense Claim Filed by Pablo Melani Curra and Diana Velez Martinez</i>	Pablo Melani Curra and Diana Velez Martinez
21230	<i>Application for Allowance of Payment of Post Petition Administrative Expense Priority Claims, Filed by the Group in Litigation Caption Acevedo Arocho et. Als. v the Departamento Hacienda and Resevation of Righths (sic)</i>	Certain parties to the litigation captioned <i>Acevedo Arocho, Prudencio et als v. Departamento de Hacienda</i> , Case No. K AC 2003-5022

4. On July 28, 2022, the Oversight Board filed objections [ECF Nos. 21640, 21641, 21642, 21643, 21644] to the Administrative Expense Motions filed by certain wage creditors [ECF Nos. 21194, 21195, 21224, 21227, 21230] (highlighted in grey above) (collectively, the “Wage Creditor Motions”).<sup>5</sup>

5. On August 24, 2022, the Administrative Expense Motion filed by Amador [ECF No. 21207] (highlighted in green above), was withdrawn, with prejudice, as consensually resolved. [ECF Nos. 21905, 21922].

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<sup>5</sup> On August 4, 2022, the Court entered the *Order Granting Urgent Consensual Motion for Extension of Response Deadlines and Rescheduling of Hearing Date* [ECF No. 21720], extending the reply deadline with respect to the Wage Creditor Motions to September 2, 2022, and adjourning the hearing with respect thereto to November 2, 2022.

6. Pursuant to the Extension Orders, (i) the deadline for the Debtors to respond to the Administrative Expense Motions (other than the Wage Creditor Motions) is August 26, 2022 at 4:00 p.m. (Atlantic Standard Time) (the “Objection Deadline”); (ii) the deadline for Movants, as applicable, to file a reply is September 2, 2022 at 4:00 p.m. (Atlantic Standard Time); and (iii) the Administrative Expense Motions (other than the Wage Creditor Motions) are scheduled to be heard in connection with the September 21, 2022 omnibus hearing. *Id.* at 5.

### **Request for Relief**

7. Since the filing of the Administrative Expense Motions, the Oversight Board, together with AAFAF’s advisors, continue to review the substance and the validity of the claims asserted in the Administrative Expense Motions. This process requires obtaining voluminous amounts of background information from the Commonwealth, PBA, ERS, and its various agencies and departments (collectively, the “Government”). While the Oversight Board previously responded to the Wage Creditor Motions, resolved one Administrative Expense Motion consensually, and intends to file responses to the Administrative Expense Motions filed by certain tort claimants<sup>6</sup> on or before the Objection Deadline, the Oversight Board requires additional time to complete the review process with respect to the following Administrative Expense Motions (collectively, the “Applicable Motions”, and the parties below are collectively the “Applicable Movants”):

<b>Applicable Motions for Extension Request and Rescheduling Hearing</b>		
<b>ECF No.</b>	<b>Motion</b>	<b>Party</b>
21187	<i>Evertec’s Motion for Allowance of an Administrative Expense Claim</i>	Evertec

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<sup>6</sup> These Administrative Expense Motions by certain tort claimants were filed at ECF Nos. 21192 and 21229.

Applicable Motions for Extension Request and Rescheduling Hearing		
ECF No.	Motion	Party
21191	<i>Ricoh Puerto Rico, Inc.'s Motion for Allowance and Payment of Administrative Expense Claim in the sum of \$4,864,017.20</i>	Ricoh Puerto Rico, Inc.
21208	<i>MCG's Motion for Allowance and Payment of Administrative Expense Claim</i>	MCG
21209	<i>COSEY's Motion for Allowance and Payment of Administrative Expense Claim</i>	COSEY

8. Furthermore, such additional time would allow the Oversight Board to work with the respective Movants to seek a consensual resolution to the Applicable Motions, if possible, and, at a minimum, to narrow any contested issues that may ultimately need to be brought before the Court.

9. Accordingly, and with the consent of the Applicable Movants, the Oversight Board proposes the following extensions to the deadlines set forth in the Extension Order only for the Applicable Motions, docketed at ECF Nos. 21187, 21191, 21208, and 21209:

- The deadline to respond to the Applicable Motions be extended to **October 7, 2022 at 4:00 p.m. (Atlantic Standard Time)**.
- The deadline for parties to file replies to an opposition, if any, be extended to **October 14, 2022 at 4:00 p.m. (Atlantic Standard Time)**.
- The hearing date for the Applicable Motions be rescheduled for **November 2, 2022 at 9:30 a.m. AST**.

10. For clarity, the Oversight Board is not seeking an extension of deadlines and the rescheduling of the hearing with respect to the following Administrative Expense Motions:

Extension <u>Not</u> Requested			
ECF No.	Motion	Reply Deadline	Hearing Date
21192	<i>Plaintiff Blanca Iris Marrero's Motion for Allowance and Payment of Administrative Expense Claim</i>	9/2/2022 <sup>7</sup>	9/21/2022
21229	<i>Motion Requesting Allowance and Payment of Administrative Expense Claim Filed by Pablo Melani Curra and Diana Velez Martinez</i>	9/2/2022	9/21/2022
21194	<i>Application for Allowance and Payment of Administrative Expense Claims Filed by Group Wage Creditors in the Litigation Caption Madeline Acevedo Camacho v the Family Department, ARV and AIJ of the Commonwealth of Puerto Rico</i>	9/2/2022 <sup>8</sup>	11/2/2022
21195	<i>Application for Allowance of Administrative Priority Claims and Requesting an Order for Immediate Payment Filed by Judgment Claimants Case Carmen Socoro Cruz Hernandez et als v the Family Department, ARV and AIJ of the Commonwealth of Puerto Rico</i>	9/2/2022	11/2/2022
21224	<i>Application for Allowance of Payment Post Petition Administrative Claims Pursuant to Section 503(b)(1)(a)(i) of the Bankruptcy Code Filed by Group Wage Creditors in the Litigation Caption Francisco bel Tran Cintron et als v. the Family Department, ARV and AIJ of the Commonwealth of Puerto Rico and Reservation of Righths (sic)</i>	9/2/2022	11/2/2022
21227	<i>Application for Allowance of Administrative Expense Priority Payment Pursuant to Section 503(b)(1)(a)(i) of the Bankruptcy Code Filed by Group Wage Creditors in the Litigation Caption Abraham Gimenez (1,046 Plaintiff's) v the Department of Transportation and Public Works and Reservation of Rights</i>	9/2/2022	11/2/2022

<sup>7</sup> See Extension Orders, relating to ECF Nos. 21192 and 21229.

<sup>8</sup> See Order Granting Urgent Consensual Motion for Extension of Response Deadlines and Rescheduling of Hearing Date [ECF No. 21720], relating to the Wage Creditor Motions.

Extension <u>Not</u> Requested			
ECF No.	Motion	Reply Deadline	Hearing Date
21230	<i>Application for Allowance of Payment of Post Petition Administrative Expense Priority Claims, Filed by the Group in Litigation Caption Acevedo Arocho et. Als. v the Departamento Hacienda and Resevation of Righths (sic)</i>	9/2/2022	11/2/2022

11. Pursuant to Paragraph 1.H of the *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-1] (the “Case Management Procedures”), the Oversight Board certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the issues presented in the Urgent Motion; and has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court.

### Notice

12. The Oversight Board has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors’ bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against the Debtors; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;<sup>9</sup> (i) the

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<sup>9</sup> The “Other Interested Parties” include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.



Applicable Movants; and (j) all parties filing a notice of appearance in these Title III cases. A copy of the motion is also available at <https://cases.ra.kroll.com/puertorico/>.

13. The Oversight Board submits that, in light of the nature of the relief requested, no other or further notice need be given.

**WHEREFORE** the Debtors request the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: August 25, 2022  
San Juan, Puerto Rico

**PROSKAUER ROSE LLP**

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*Attorneys for the Financial Oversight and  
Management Board as representative for the  
Debtors*

**Exhibit A**

**Proposed Order**

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

Re: ECF No. \_\_\_\_\_

(Jointly Administered)

**ORDER GRANTING URGENT  
CONSENSUAL MOTION FOR FURTHER EXTENSION OF  
RESPONSE DEADLINES AND RESCHEDULING OF HEARING DATE**

Through the *Urgent Consensual Motion for Further Extension of Response Deadlines and Rescheduling of Hearing Date*, dated August 25, 2022 (Docket Entry No. \_\_\_\_\_)<sup>2</sup> (the “Extension Motion”),<sup>3</sup> the Oversight Board requests the extension of briefing deadlines and the rescheduling

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Last Four Digits of Federal Tax ID: 3801) (Last Four Digits of Federal Tax ID: 3801) (Bankruptcy Case No. 19-BK-5523-LTS). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> All docket entry references are to entries in Case No. 17-3283, unless otherwise specified.

<sup>3</sup> Capitalized terms used but not otherwise defined herein have the meanings given to them in the Extension Motion.

of the hearing with respect to certain, but not all, of the Administrative Expense Motions with respect to which briefing deadlines were previously extended by the *Order Granting Urgent Consensual Motion for Further Extension of Response Deadlines and Rescheduling of Hearing Date* (Docket Entry No. 21654) and a hearing was scheduled pursuant to the *Order Granting Urgent Motion for Extension of Response Deadlines and Rescheduling of Hearing Date* (Docket Entry No. 21348). For the sake of clarity, extensions of the briefing schedules and adjournments have been requested with respect to the following Administrative Expense Motions (the “Applicable Motions” and the movants thereto, the “Applicable Movants”):

<b>Docket Entry No.</b>	<b>The Applicable Motions (Extension Requested by Docket Entry No. ____)</b>
21187	<i>Evertec’s Motion for Allowance of an Administrative Expense Claim<sup>4</sup></i>
21191	<i>Ricoh Puerto Rico, Inc.’s Motion for Allowance and Payment of Administrative Expense Claim in the sum of \$4,864,017.20</i>
21208	<i>MCG’s Motion for Allowance and Payment of Administrative Expense Claim</i>
21209	<i>COSEY’s Motion for Allowance and Payment of Administrative Expense Claim</i>

Extensions and adjournments have not been requested with respect to the following Administrative Expense Motions:

<b>Docket Entry No.</b>	<b>Extension Not Requested by Docket Entry No. ____</b>
21192	<i>Plaintiff Blanca Iris Marrero’s Motion for Allowance and Payment of Administrative Expense Claim</i>
21229	<i>Motion Requesting Allowance and Payment of Administrative Expense Claim Filed by Pablo Melani Curra and Diana Velez Martinez</i>

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<sup>4</sup> Docket Entry No. 317 in Case No. 19-5523.

Docket Entry No.	Extension Not Requested by Docket Entry No. _____
21194	<i>Application for Allowance and Payment of Administrative Expense Claims Filed by Group Wage Creditors in the Litigation Caption Madeline Acevedo Camacho v the Family Department, ARV and AIJ of the Commonwealth of Puerto Rico</i>
21195	<i>Application for Allowance of Administrative Priority Claims and Requesting an Order for Immediate Payment Filed by Judgment Claimants Case Carmen Socoro Cruz Hernandez et als v the Family Department, ARV and AIJ of the Commonwealth of Puerto Rico</i>
21224	<i>Application for Allowance of Payment Post Petition Administrative Claims Pursuant to Section 503(b)(1)(a)(i) of the Bankruptcy Code Filed by Group Wage Creditors in the Litigation Caption Francisco bel Tran Cintron et als v. the Family Department, ARV and AIJ of the Commonwealth of Puerto Rico and Reservation of Righths (sic)</i>
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21230	<i>Application for Allowance of Payment of Post Petition Administrative Expense Priority Claims, Filed by the Group in Litigation Caption Acevedo Arocho et. Als. v the Departamento Hacienda and Resevation of Righths (sic)</i>

Accordingly, the Court having found that the Oversight Board provided adequate and appropriate notice of the Extension Motion under the circumstances and that no other or further notice is required; and the Court having reviewed the Extension Motion; and the Court having determined that the factual bases set forth in the Extension Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is hereby ORDERED that:

1. The Extension Motion is granted as set forth herein.
2. The deadline to respond to the Applicable Motions shall be extended to **October 7, 2022 at 4:00 p.m. (Atlantic Standard Time)**.

3. The deadline for the Applicable Movants to file a reply shall be extended to **October 14, 2022 at 4:00 p.m. (Atlantic Standard Time).**
4. The Applicable Motions will be heard in connection with the omnibus hearing scheduled for **November 2, 2022.**
5. This Order resolves Docket Entry No. \_\_\_\_\_ in Case No. 17-3283.

SO ORDERED.

Dated: August \_\_, 2022

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LAURA TAYLOR SWAIN  
United States District Judge